

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 0:23-CV-81150-RLR**

ANDREW TATE & TRISTAN TATE,

Plaintiffs

vs.

EMMA GABBEY, et al.,

Defendants.

**DECLARATION OF SERGEANT MATTHIEU MARTELLY
IN SUPPORT OF DEFENDANTS' AMENDED NOTICE OF REMOVAL**

I, Matthieu Martelly, do hereby state as follows:

1. I am a Civil Affairs Reconnaissance Specialist as a Sergeant in the Marine Corps for the Federal Government. I am currently on reserve status.
2. I have been in my current position since April 4th 2021. I went on reserve status with the Marine Corps June 6, 2020. Prior to that date I was active duty.
3. As a Marine, I am required to complete training on Combating Trafficking in Persons (TIP) every nine months. As a result, I have completed this training several times over the course of my service.
4. In my role as a United States Marine, I am required to complete specialized annual training, combatting trafficking in persons which focuses on how to report suspected cases of human trafficking and DOD zero tolerance policy on trafficking.
5. On October 30, 2020, the official website of the Marine Corps Forces posted a message entitled "Combating Trafficking in Persons Annual Training Update." The message

stated in part “The total force is required to complete online Combating Trafficking in Persons (CTIP) general awareness training annually per reference (a).” A copy of the message is attached as Exhibit A.

6. This training includes information on the signs and indicia of human trafficking as well as when and how to make a report of human trafficking. The training also requires members of the military to report suspected activities to either to law enforcement or to their appropriate chain of command.

7. It is my understanding that the training is part of the implementation of several federal laws, executive orders, and regulations including the Trafficking Victims Protection Reauthorization Act of 2013 (TVPRA), DoD Instruction 2200.01 *Combatting Trafficking in Persons (CTIP)* (June 21, 2019) and Executive Order 13627, *Strengthening Protections Against Trafficking in Persons in Federal Contracts* (2012).

8. The training specifically states that if a service member encounters suspected TIP, it is not acceptable to ignore it and take no action.

9. My certificate from the most recent time I completed this training is attached as Exhibit B.

10. In May of 2023, the official website Marine Corps Forces Reserve posted an article entitled “Reserve Marine Foils DC-Area Human Trafficking Ring Just Hours Before Fitness Test.” The article relates the story of a Reserve Marine who observed civilian TIP and acted consistent with his training by reporting it to law enforcement. The Reserve Marine in the article was tempted to “look[] the other way” but overcame his inner reluctance and acted.

11. The article directly quotes the Reserve Marine’s commanding officer: “We constantly educate our personnel on how to spot and respond to suspected human trafficking

situations. [] His judgment and initiative in this situation are perfect examples of how Marines should feel about human trafficking. He demonstrated that Marine leaders are part of the solution to the world's problems. Marines are always on duty, observing everything that takes place within sight or hearing; and this Marine exemplified that.”

12. In my experience, the article is just one example of many of how the Marine Corps and the Marine Corps Forces Reserve maintain a consistent culture of zero tolerance for sex trafficking and constantly reinforce that it is the duty of all Marines to act when they encounter suspected TIP. The article is attached as Exhibit C.

13. Around April 10, 2022, I received messages from Emma Gabbey indicating she was in danger and was trying to escape the Plaintiffs Andrew and Tristan Tate in Romania. Prior to these messages I had not spoken to Emma Gabbey in several months. She was very frightened and her description of her circumstance caused me to be concerned that her life was in danger and that she was in danger of being trafficked.

14. After receiving these messages, I called my superior and described the situation to him. He provided me with information for the US Embassy in Romania and explained they were the best contact for reporting the situation and they were in the best position to contact Romanian authorities.

15. Following the conversation with my Immediate superior, I went to speak with the parents of Ms. Gabbey to discuss the situation. After we had assessed the situation with the information we had at the time we decided to notify law enforcement. Not knowing the emergency number nor speaking the native language of Romania, we decided called the US Embassy per my supervisor's advice. We made this call in the evening Romanian time and the US Embassy was closed. However, the answering service provided an option to be connected

with on-duty security detail. I chose this option and was connected with on-duty security detail. As a Marine, I was aware that Marines do security detail for US Embassies around the world.

16. When security detail answered my call, I identified myself as a Marine, gave my name and position, and reported the concerns we had for Emma Gabbey's safety in Romania.

17. The next day I received a call from the US Embassy to follow up on the report I made the previous night to the US Embassy Marine Corps security detail. After verifying the identity of the caller, I cooperated with him and provided the information I had received from Emma Gabbey.

18. Because of my training in TIP, as well as my other trainings and my understanding of my duties as a Marine sergeant and a Federal employee, I felt obligated to report immediately my concerns for Emma Gabbey's safety. This was my duty outlined in my training on Combatting TIP.

19. At the time I made the report to officials at the U.S. Embassy in Romania, I felt Emma Gabbey was in imminent danger of death or other serious harm such as human trafficking.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of August, 2023 at Palm Beach, Florida.


Matthieu Martelly

EXHIBIT A

COMBATING TRAFFICKING IN PERSONS ANNUAL TRAINING UPDATE

Date Signed: 10/30/2020 | MARADMINs Number: 652/20

MARADMINs : 652/20

R 301248Z OCT 20

MARADMIN 652/20

MSGID/GENADMIN/CMC WASHINGTON DC PPO PS//

SUBJ/COMBATING TRAFFICKING IN PERSONS ANNUAL TRAINING UPDATE//

REF/A/MCBUL 1500//

NARR/REF (A) PRESCRIBES ANNUAL TRAINING REQUIREMENTS FOR THE TOTAL FORCE.//

POC1/W. P. WILLIAMS/MAJ/OPERATIONS OFFICER/DEPUTY SUPPORTING ESTABLISHMENT LAW ENFORCEMENT (LE), LE, INVESTIGATIONS, AND CORRECTIONS BRANCH (PSL), SECURITY DIVISION (PS), PLANS, POLICIES, AND OPERATIONS (PP&O)/TEL: 703-692-4249/E-MAIL: WAYNE.P.WILLIAMS@USMC.MIL//

POC2/W. H. KARTUNE/MGYSGT/BRANCH CHIEF, PSL, PS, PP&O/TEL: 703-692-4231/E-MAIL: WILLIAM.H.KARTUNE@USMC.MIL//

POC3/L. A. GIGER/MAJ/ACTION OFFICER TEAM LEADER, CAMPAIGN INTEGRATION BRANCH, G-3, TRAINING AND EDUCATION COMMAND (TECOM)/TEL: 703-432-0077/EMAIL: LOGAN.GIGER@USMC.MIL//

GENTEX/REMARKS/1. This is a coordinated message between PS and Policy and Standards Division, TECOM.

2. The total force is required to complete online Combating Trafficking in Persons (CTIP) general awareness training annually per reference (a). However, the CTIP course currently posted on MarineNet (course code DD01A00000) is unable to be completed by a number of users due to a technical error.

3. For users unable to access or complete the MarineNet CTIP course as a result of this error are authorized to complete this annual training requirement via Joint Knowledge Online (JKO) or the PowerPoint presentation accessible through the following link: [https:\(slash\)\(slash\)ctip.defense.gov/Training/General-Awareness.aspx](https://ctip.defense.gov/Training/General-Awareness.aspx)

4. Users may either complete the CTIP course titled "Combating

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Trafficking in Persons (CTIP) General Awareness" (course code J3TA-US1328-A) or via the PowerPoint presentation on the same webpage.

5. Unit Training Managers (UTM) shall document for credit/score CTIP training completed via JKO or leader-led brief in the Marine Corps Training Information Management System as a leader-led requirement utilizing the UTM module.

6. Release authorized by SES Randy R. Smith, Assistant Deputy Commandant (Security).//

EXHIBIT B

Official

United States Marine Corps



Completion Certificate

This is to certify that
MATTHIEU MARTELLY

Has completed

Combating Trafficking in Persons (CTIP) General Awareness Training

Course Number: DD01AO0000

Given through the
Marine Corps Distance Learning Network
on Thursday, March, 12, 2020

Semper Fidelis

T.K. Kerrigan
Director

College of Distance Education and Training

EXHIBIT C

By Master Gunnery Sgt. Jeremy Vought | U.S. Marine Corps Forces Reserve | May 23, 2023



WASHINGTON, DC -- What was supposed to be a normal Reserve drill weekend here turned a U.S. Marine lieutenant colonel into both a hero and a villain – a hero for finding and saving young teenage girls allegedly forced into sexual slavery, and a villain to the transnational criminal organization whose detestable operations were disrupted.

The Marine Corps is withholding the identity of the Marine due to an ongoing investigation to bring down more of this criminal organization, as well as sensitivities surrounding his civilian job in law enforcement.

On May 5, 2023, the Reserve Marine officer saw what he presumed to be indications and signs of human trafficking within the hotel he was staying at, off Route 1 in Alexandria, Virginia.

At around 6:00 pm he returned to the hotel after a day training with his Reserve unit headquartered on Joint Base Anacostia-Bolling just over the Potomac River in D.C. The officer is assigned to Marine Advisor Company A, Force Headquarters Group as a Select Marine Corps Reserve Marine.

“I came back from drill and noticed a young girl acting strangely and dressing out of place in and around the hotel lobby we were staying at,” the infantry officer filling the billet of operations advisor recalled.

Upon looking a little closer he noticed the numbers “13” tattooed on each arm and the blue and white colors on her clothes – telltale signs of the violent transnational criminal gang MS-13, also called Mara Salvatrucha.

“They often ‘brand’ or ‘mark’ their human property,” he explained.

Units like his constantly send Marines around the world to advise and build partnerships. According to the unit’s commanding officer, “We constantly educate our personnel on how to spot and respond to suspected human trafficking situations. I never stop reminding Marines that human trafficking

Early the next morning on Saturday the unit was scheduled to take the Marine Corps Physical Fitness Test, or PFT, and according to the Marine, “All I wanted to do was get back to my room, relax, stretch and get some sleep to be ready for the test.”

“His judgment and initiative in this situation are perfect examples of how Marines should feel about human trafficking” *Col. John D. Cowart, commanding officer, Marine Corps Advisor Company A*

Selfishness crept in as he debated just looking the other way. He recalled the inner dialogue going through his head as he struggled to take action, even talking himself out of it at one point. But being a father himself to a girl roughly the same age and a United States Marine, he knew his own comforts would be put aside and the night would be dedicated to – as the Marine Corps commercial lays it out – “moving toward the sound of chaos...the first to move toward the sounds of tyranny, injustice and despair.”

“The way she was walking back and forth, in and out, it almost seemed like she was hoping to be noticed by someone,” he said.

Over the next seven hours going late into the evening, he watched, followed, and ultimately freed the young girl, along with a handful of others, from the safehouse with the help of the Virginia Human Trafficking Task Force.

He explained how he noticed alleged MS-13 “handlers” on a bike also keeping the girl in their sights. When a car came to pick her up from the hotel, the officer sprung to his own car to pursue. He followed the vehicle for a short distance until it came to a ritzy condominium building in Alexandria.

“The driver and girl definitely seemed out of place at this building,” he recalled.

The Marine stayed put and talked law enforcement onto his position. Disregarding his own safety and despite the late hour, he and other law enforcement entered the building and spoke with the bellhop confirming suspicions that the girl and handler were out of place. They then proceeded to the residence where the driver and girl entered to perform a welfare check.

What they found inside confirmed suspicions of human trafficking and other criminal activity.

“Inside we found a handful of young teenage girls,” he said, with one believed to be as young as 13.

They also found suspected drugs and drug paraphernalia, which is often used to keep the young women controlled, sedated or dependent, he explained.

Nearly seven hours later around 1:30 a.m., he made it back to his hotel for the evening only to wake back up in a few hours to accomplish the Marine Corps PFT. Despite the busy, late night of disrupting an alleged MS-13 criminal gang operation right outside the nation’s capital, the lieutenant colonel knocked out a first-class PFT score – a 278 to be exact – and continued with his unit’s drill weekend.

For his quick-thinking, selfless actions, his unit commanding officer presented him with a Navy and Marine Corps Commendation Medal before the drill weekend was over – extremely fast timing for those familiar with the military awards process.

“His judgment and initiative in this situation are perfect examples of how Marines should feel about human trafficking,” Cowart said. “He demonstrated that Marine leaders are part of the solution to the world’s problems. Marines are always on duty, observing everything that takes place within sight or hearing; and this Marine exemplified that.”

According to the award summary of action, his attention to his environment, keen observations, commitment to justice, and dedication to service directly disrupted a suspected transnational criminal organization conducting human trafficking and directly impacted the lives of the individuals affected and indirectly on the community at large.

The redacted award citation reads:

MERITORIOUS SERVICE WHILE SERVING AS THE MARINE CORPS ADVISOR COMPANY ALPHA, TEAM TWO, OPERATIONS ADVISOR FROM 5-6 MAY 2023. AFTER ATTENDING UNIT DRILL IN WASHINGTON, D.C. ON 5 MAY, THE NIGHT BEFORE HIS PHYSICAL FITNESS TEST, WHILE RETURNING TO BILLETING IN ALEXANDRIA, VA, LTCOL _____ OBSERVED A CIVILIAN DISPLAYING INDICATORS THAT SHE WAS SUBJECTED TO EXPLOITATION. FEARING FOR HER SAFETY, LTCOL _____ CONTACTED THE VIRGINIA HUMAN TRAFFICKING TASK FORCE WHO REQUESTED HE FOLLOW HER VEHICLE AND CONTINUE TO SUPPORT EFFORTS IN HIS CAPACITY AS A STATE OF VIRGINIA LAW ENFORCEMENT OFFICER. DESPITE THE LATE HOUR, LTCOL _____ TALKED-ON LAW ENFORCEMENT TO HIS POSITION. FOLLOWING A DEBRIEF, THEY ENTERED THE POSITION, CONFIRMING HUMAN TRAFFICKING AND ILLEGAL DRUGS

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WERE PRESENT. GIVEN HIS KEEN OBSERVATIONS, COMMITMENT TO JUSTICE, AND DEDICATION TO SERVICE, LTCOL _____'S
ACTIONS DIRECTLY RESULTED IN THE RELEASE OF ENTRAPPED FEMALES UNDER THE CONTROL OF TRANSNATIONAL CRIMINAL
ORGANIZED CRIMINAL ELEMENTS. THE CASE REMAINS UNDER INVESTIGATION. LTCOL _____'S EXTRAORDINARY DEDICATION AND
EXEMPLARY PERFORMANCE REFLECTED CREDIT ON HIM AND WERE IN KEEPING WITH THE HIGHEST TRADITIONS OF THE MARINE
CORPS AND THE UNITED STATES NAVAL SERVICE.

While the case remains under investigation, this Marine continues to uphold the values of honor, courage and commitment, no matter the uniform he has on.

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Who We Are: The United States Marine Corps Reserve is responsible for providing trained units and qualified individuals for mobilization to active duty in time of war, national emergency, and crisis or contingency operations. On a day-to-day basis, Marine Forces Reserve (MARFORRES) consists of a talented and dedicated pool of nearly 100,000 Marines able to augment the Active Component in a myriad of ways, to include operational deployments, support to training, participation in bi/multi-lateral exercises with partner nations and allies, and service-level experimentation in support of Force Design 2030 and refinement of new concepts, tactics, techniques, and procedures.

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